



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7062 OF 2023

PETITIONERS :- 1) Praful Dilip Kolhe, aged about 35 years,
Occ: Service
2) Rahul Dilip Kolhe, aged about 29 years,
occ: Service
3) Tushar Dilip Kolhe, aged about 25 years,
Occ: Service,
All R/o Plot No.54, Yogesham Layout,
Sneh Nagar, Wardha Road, Nagpur.

..VERSUS..

RESPONDENT :- Dilip S/o Santoshrao Kolhe, aged about 61
years, Occ: Business, R/o Plot No.54,
Yogesham Layout, Sneh Nagar, Wardha
Road, Nagpur.

Mr. Pushkar Ghare, Advocate for Petitioners.
Mr. Abhishek Shukla, Advocate for the Respondent.

CORAM : **ROHIT W. JOSHI, J.**

DATE : **28/11/2025**

ORAL JUDGMENT :

1. Heard.
2. The learned Advocates for the respective parties, on instructions from their respective clients state that the petition can be disposed in the following terms :-

- i) Writ petition is **allowed**.
- ii) The order dated 09.06.2023, passed by the Sub-Divisional Magistrate-cum-Chairman, Maintenance Tribunal, Nagpur City, in Maintenance Application Case No.76/MRC-81/2022, is quashed and set aside.
- iii) Maintenance Application Case No.76/MRC-81/2022 is remitted to the Sub-Divisional Magistrate-cum-Chairman, Maintenance Tribunal, Nagpur City, for adjudication of the said proceedings afresh.
- iv) The petitioners will be at liberty to make an application for seeking permission to lead evidence. The said application shall be decided on its own merits in accordance with law. In the event, the petitioners are granted opportunity to lead evidence, it shall be open to the respondent to lead evidence in rebuttal without making any separate application for the said purpose. The amount of maintenance deposited by the petitioners with this Court is allowed to be withdrawn by the respondent, subject to furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial).

- v) The petitioners shall continue to deposit amount of maintenance as awarded by the learned Tribunal as per the impugned order till the final disposal of the proceedings before the learned Tribunal.
- vi) The contentions of the respondent that maintenance ought to have been awarded from the date of application is kept open. The learned Tribunal is to decide this aspect as well while dealing with the matter.
- vii) Parties to appear before the learned Tribunal on **10.12.2025**. Parties to note that separate notice for appearance will not be issued.
- viii) The learned Tribunal is directed to decide the application as early as possible.
- ix) Parties to bear their own costs.

(ROHIT W. JOSHI, J.)

C.L. Dhakate